

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:	:	Chapter 7
	:	Bankruptcy No.: 18-12499-ELF
JAMES E DIDIO	:	
Debtor.	:	
M&T BANK A/K/A MANUFACTURERS	:	
AND TRADERS TRUST COMPANY	:	
S/B/M TO HUDSON CITY SAVINGS BANK's	:	
Movant,	:	
v.	:	<b>11 U.S.C. §362</b>
JAMES E DiDIO	:	
DEBTOR	:	
GARY F SEITZ, Trustee	:	
Respondents	:	

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**ORDER**

AND NOW, this            day of            , 2018, upon consideration of Marla Green's Opposition to M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion for Relief From Automatic Stay and any response thereto, it is hereby:

ORDERED and DECREED, that the Motion for Relief From Automatic Stay is DENIED.

By the Court: \_\_\_\_\_

United States Bankruptcy Judge

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**MARLA GREEN, PARTY IN INTEREST'S ANSWER IN OPPOSITION  
TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

Marla Green ("Party in Interest"), and a Plaintiff in an Adversary Matter seeking non-discharge against Debtor, through her counsel Paul A.R. Stewart, respectfully submits this Opposition to the M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion ("Creditor" or "Movant") for relief from the automatic stay filed on September 17, 2018, as follows:

1. Admitted.
2. Admitted debtor and Marla Green are joint owners of premises.
3. Admitted debtor and Marla Green are parties to a mortgage on the premises.
4. Admitted.
5. Admitted.
6. Denied. Marla Green asserts mortgage obtained through artifice and seeks non-discharge of debtor related to this mortgage debt.
7. Denied as to amount, late charges, and attorney's fees and costs.
8. Marla Green asserts the property is worth in excess of \$4 Million Dollars and seeks to protect equity in the property and non-discharge of debtor related to this mortgage.

9. Denied. Loan originated after 2008. This allegation has no support in fact.

10. Denied as to amount, late charges, and attorney's fees and costs. Movant is not entitled to relief.

11. Denied. Movant has asserted no basis for cause. Likewise, movant has indicated the property has equity over \$800,000 which on its face provides adequate protection to movant. Marla Green asserts equity exists in the property in excess of \$2 million dollars.

12. Denied. Movant cannot retain or reserve rights to speculative reimbursements or fees unearned.

**WHEREFORE**, Debtor prays this Honorable Court deny Movant's Motion for Relief From Automatic Stay.

Date: October 1, 2018

Respectfully submitted,

Helm Legal Services LLC

/s/ Paul A R Stewart

Legal Helm, LLC

Paul A.R. Stewart, Esquire

Attorney for Party in Interest

333 East Lancaster Avenue

Suite 140

Wynnewood, Pennsylvania

19096

(610) 864-5600

[pstewart@helmlegalservices.com](mailto:pstewart@helmlegalservices.com)

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing Marla Green's Opposition to M&T BANK A/K/A MANUFACTURERS AND TRADERS TRUST COMPANY S/B/M TO HUDSON CITY SAVINGS BANK's Motion for Relief From Automatic Stay was served on October 1, 2018, by means of the Court's CM/ECF system or via first-class mail, postage prepaid, upon the following:

**MOVANT**

Kevin G McDonald, Esquire  
KML Law Group PC  
701 Market Street, STE 5000  
Philadelphia, PA 19106

Harry J Giacometti, Esquire  
Flaster/Greenberg, P.C.  
1835 Market Street, STE 1050  
Philadelphia, PA 19103  
Debtor, James E DiDio counsel.

United States Trustee (via ECF)  
833 Chestnut Street, Suite 500  
Philadelphia, PA 19107

Gary F. Seitz, Esquire (Trustee)  
Chapter 7 Trustee  
Curtis Center, 601 Walnut Street STE 750  
Philadelphia, PA 19107

/s/ Paul A R Stewart  
Legal Helm, LLC  
Paul A.R. Stewart, Esquire  
333 East Lancaster Avenue  
Suite 140  
Wynnewood, Pa 19096  
(610) 864-5600  
[pstewart@helmllegalservices.com](mailto:pstewart@helmllegalservices.com)